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July 28, 2005

**ELECTRONICALLY FILED**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20054


Re: ***Ex Parte* Presentation**  
ET Docket No. 04-37, Amendment of Part 15 regarding new requirements and  
measurement guidelines for Access Broadband over Power Line Systems

Dear Ms. Dortch:

This is to notify you that on July 27, 2005, Pete Griffin, Larry Yonge, Jim Mollenkopf and the undersigned, on behalf of the HomePlug Alliance, made an *ex parte* presentation to Fred Campbell, acting Legal Advisor to Chairman Martin. We discussed issues raised in petitions for reconsideration in the above-referenced proceeding as indicated in the attached presentation.

In accordance with Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this letter is being filed in the above docket and sent by email to the FCC participants.

Very truly yours,



David R. Siddall  
*Counsel for the HomePlug Alliance*

DRS:dfr  
Attachment

cc: Fred Campbell



# ***Broadband Over Power Line Systems***

## ***Reconsideration Issues***

### ***ET Docket No. 04-37***

**July 27, 2005**



# *FCC's Report and Order*

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- **The FCC Report and Order**
  - Recognized significant potential of BPL technology – both In-House and Access
  - Recognized long and successful history of Part 15 devices and limits
  - Recognized important differences between In-House and Access BPL



## *Reconsideration Issues*

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- **There is no valid basis for Changing the Commission's Decisions with Regard to:**
  - Exclusion of aeronautical frequencies from In-House BPL devices
  - 40 dB/decade extrapolation below 30 MHz



# *ARINC's Requests Not Supported*



- **Excluding Aeronautical Frequencies from HomePlug Devices Is Unwarranted**

- Millions of HomePlug BPL devices are in use with no verified cases of harmful interference
- ARINC cites one report from California, but the type of interference and source was investigated by the FCC Enforcement Bureau and not found to be an in-house BPL device – see Memo from Joe Casey, Chief of the FCC's Spectrum Enforcement Division, dated January 27, 2004; and filing of Phonex, dated February 5, 2004.
- In any event, from ARINC's own description dated June 24, 2004, it is clear that the interfering device did not have any of the characteristics of HomePlug devices, which use OFDM.
- HomePlug and its members recognize that Part 15 accords its devices secondary status and have pledged cooperation on any complaint of interference. To date millions of devices have been deployed, and no instances of interference have been traced to one of our devices.
- The problem with ARINC's proposal is that it would remove bandwidth critical to operation of our standard for no demonstrated reason.



# *ARINC's Requests Not Supported*



- **40 dB/decade extrapolation below 30 MHz is Justified**
  - Arguments for 20 dB/decade rely on modeling efforts that are not correlated with actual measured data and use dubious assumptions
    - Power line excitation in modeling does not match known deployed systems
    - Line lengths in modeling are not typical of actual power line lengths (and exaggerate phase mismatch and radiation effects)
    - CW signals in modeling do not match systems
- **Existing Part 15 rules have been a remarkable success in fostering inexpensive, popular devices while preventing harmful interference to licensed primary services**
  - No reason demonstrated to change current levels
  - FCC's Report and Order appropriately clarifies the testing techniques and use of Part 15 criteria to prevent any potential misuse





# *Status of HomePlug*



- **HomePlug Powerline Alliance – Sponsor Members**
  - Comcast, Conexant, Earthlink, RadioShack, Sharp Labs, Intellon, Arkados & Sony
- **HomePlug 1.0 (14 Mbps in-house networking technology)**
  - Millions of units shipped worldwide
  - Deployment by service providers (cable, satellite, DSL)
- **HomePlug AV Specification is complete (In-House)**
  - In the approval process by the HomePlug BoD
  - 200 Mbps networking technology - Conexant, Sharp Labs, Intellon
    - >40-50 Mbps throughput – 90% probability (2 HDTV streams)
    - >25 Mbps throughput – 98% probability (1 HDTV stream)
  - Positioned to be the backbone network in the home
- **HomePlug BPL (Access) will leverage AV technology**
  - Meets new FCC rules for frequency notches
  - Interoperable with HomePlug AV devices



## *Conclusion*

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- HomePlug devices are operating under today's rules across the country with no known interference complaints
- Changing the rules unnecessarily to require notching frequencies or lowering signal levels will severely impair the future use of these devices for PC-related and HDTV media server applications that are of demonstrable value to American consumers and businesses